

Exhibit 2

From: Gindler, David [DGindler@irell.com]
Sent: Wednesday, September 01, 2004 2:58 PM
To: sazalesin@pbwt.com; Laporte, Claire; Vicki Norton Esq.; Adrian Pruetz Esq.; Ware, Donald; Eileen Herlihy Esq.; Leora Ben-Ami Esq.; Mark A. Pals Esq.; Melissa Mandrgoc Esq.; Patricia Carson Esq.; Robert Stone Esq.
Cc: Barsky, Wayne M.; Tom Maffei; Scott McConchie
Subject: Covenant Not to Sue from Columbia University

I am writing to inform you that Columbia is filing today the attached Covenant Not to Sue with respect to the '275 patent. As you will see, the Covenant Not to Sue eliminates any actual case or controversy between plaintiffs and Columbia with respect to the '275 patent. I would appreciate your informing me by 1:00 p.m. PDT on Thursday, September 2, whether plaintiffs will agree to dismiss their actions against Columbia and dispense with any further proceedings on their claims.

At Wayne Barsky's request, I am sending this message on Columbia's behalf to counsel for Amgen.

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annotations on 09/01/2004 11:58:08 AM

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